



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,865	09/30/2003	Warren S. Letzsch	696-254A	6289
7590	10/21/2004		EXAMINER	
Alan B. Clement, Esq. HEDMAN & COSTIGAN, P.C. 1185 Avenue of the Americas New York, NY 10036				GRiffin, WALTER DEAN
		ART UNIT	PAPER NUMBER	1764

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/674,865	LETZSCH, WARREN S. <i>SC</i>
Examiner	Art Unit	
Walter D. Griffin	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 August 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11-21 is/are allowed.
- 6) Claim(s) 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

The claim objections described in the Office Action mailed on May 3, 2004 have been withdrawn in view of the amendment filed on August 4, 2004. Also, the rejections of claims 11-21 have been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (EP 1046696A2).

The Xu reference discloses an FCC process that comprises cracking a hydrocarbon in a first reaction zone in the presence of steam and a cracking catalyst. The temperature in this first

reaction zone ranges from 530° to 620°C (986°-1148°F). The weight ratio of catalyst to feed in the first zone ranges from about 3:1 to 15:1. The resulting product from the first reaction zone and the catalyst are then passed to a second reaction zone in which the product from the first reaction zone is converted to produce a product. Conditions in the second reaction zone include temperatures ranging from 420° to 550°C (788°-1022°F) and catalyst to feed ratios ranging from about 3:1 to 18:1. The weight ratio of steam to feed ranges from 0.03:1 to 0.3:1. The spent catalyst is then separated from the catalyst, the catalyst is stripped and regenerated, and then is recycled to the reactor. The process results in the production of a product that comprises a gasoline fraction as well as olefins.

The apparatus used in the process includes a middle section corresponding to the second reaction zone that has a diameter that is 1.5 to 5 times the diameter of the first reaction zone. The apparatus also contains means for feeding the feedstock and catalyst to the reaction zones and a means for separating the product from the catalyst. See paragraphs 0018, 0019, 0022-0026, 0028, 0029, 0031, and 0034.

The Xu reference does not disclose converting a system to obtain the disclosed apparatus. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the teaching of the Xu reference by modifying an existing FCC apparatus to obtain the disclosed apparatus because it would be far more cost effective to modify an existing apparatus than to build an entirely new apparatus.

Allowable Subject Matter

Claims 11-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:
The primary reason for indicating allowable subject matter is that the prior art of record does not disclose or suggest an FCC process in which the two claimed cracking zones are operated at their respective claimed conditions. The closest prior art of Xu et al. (EP 1046696) does not suggest these conditions because the desired product of Xu is not the same as in the claimed process (i.e., gasoline vs. propene and butenes).

Response to Arguments

The arguments concerning the reactions and products are not persuasive in relation to claim 22 because claim 22 is drawn to a method for converting a system (i.e., an apparatus). The intended use of such a system is not given patentable weight.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

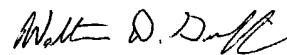
Art Unit: 1764

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is (571) 272-1447. The examiner can normally be reached on Monday-Friday 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Walter D. Griffin
Primary Examiner
Art Unit 1764

WG
October 20, 2004